

U.S. APPLICATION NO. 09/854,891

Page 3

IN THE DRAWINGS

Please substitute the attached sheet of drawings for the sheet containing FIGS. 3-6 as originally filed.

REMARKS

Through this Substitute Amendment, Applicant identifies the amended paragraphs of the specification by page and line designations, as well as to re-define the clinch joint as “a press fit joint as described by U.S. Patent No. 5,115,897, and may further include adhesive within the joint” and amends the claims to eliminate “and combinations thereof.”

The Remarks presented in the Amendment of March 13, 2006 are incorporated herein.

Applicant appreciates the courtesies extended by Examiner Robert J. Canfield to applicant's undersigned representative during the personal interview conducted on February 23, 2006, the substance of which is recorded on the Interview Summary incorporated herein by reference.

During the aforementioned interview, the type of “joint” applicant intended to convey by the term “clinch joint” were discussed. Applicant's representative pointed out that FIG. 5 of applicant's drawings showed a “clinch joint” although it included the optional adhesive 160. A clinch joint, without the adhesive, is shown in U.S. Patent 5,155,897, to Schleicher.

In view of this discussion, the term “weld” and “welded” to describe the clinch joint has been removed from the specification, as such a “welded” joint makes the releasably joined aspect difficult. A clinch joint, with or without the adhesive, can be released by prying the press fit joint elements apart.

In view of the foregoing, the claims have been reviewed and amended to omit the term “welded” and the “Markush” language redrafted to make clearer the invention being claimed. Subject matter omitted from claims 3-5, 11-13 and 20-21 has been reinstated in new claims 25-30.

Additionally, the specification and drawings have been reviewed and amended to conform the indicia 310. Substitute drawing FIGS. 3 and 4 are attached.

Also attached is a copy of applicant's communication to the Office dated October 7, 2003 (together with its automated facsimile confirmation sheet).

Reconsideration of the previous rejection of claims 1-24 under 35 U.S.C. 102(b) as anticipated by Blair (U.S. Patent 5,115,603) is respectfully requested.

As clarified, a clinch joint is a press fit joint having a shape as denoted in FIG. 5 of the drawing. A clinch joint prevents separation of the joined parts in the longitudinal direction. Blair has no such joint. In Blair (FIGS. 4-6) sheets having folds 42 and interlocking edges 43, 45 and ribs 44, 46 (See, column 3, lines 4-15) can be longitudinally engaged so as to overlap. However, the ridges, ribs and folds of Blair do not form a clinch joint and, thus, cannot anticipate the claimed subject matter of claims 1-24.

Reconsideration of the previous rejections of claims 16 and 18-24 as anticipated by Hartman (U.S. Patent 5,337,526) is respectfully requested.

As shown in FIG. 5 (relied upon in the Office Action), the joint is formed between key-shaped slot 160 and key-shaped projection 162. This joint is located only at the apex of the angle between legs 136, 138 (column 4, lines 51-54).

However, independent claim 16 (upon which claims 18-24 are directly or indirectly dependent), specified the existence of the "at least one clinch joint substantially formed and registered upon overlapping edge portions" (emphasis added). The "edge portions" are defined as being arranged about a generally V-shaped configuration (e.g., arranged about the apex). As Harman discloses neither a clinch joint nor the joint location on the overlapping "edge portions," and not the apex between the edge portions, Hartman cannot anticipate the claimed invention.

Having fully responded to all the objections (including drawing objections) and rejections, favorable reconsideration and withdrawal of the objections and rejections and passage of the application to issue are respectfully requested.

Respectfully submitted,



Thomas P. Pavelko  
Registration No. 31,689

TPP/mat

Attorney Docket No.: 52466.002/TPP

Attachments:

Copy of Response filed October 7, 2003 with automated facsimile receipt  
Substitute drawing sheet

STEVENS, DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
Washington, D.C. 20036  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200 or (202) 408-5088

Date: June 6, 2006

ATTACHMENT A

Copy of Response dated October 7, 2003 with automated facsimile receipt





PATENT  
Serial No. 09 / 854,891  
Atty. Docket No. 52466.002

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Jerry Joseph Quinn

Serial No.: 09 / 854,891

Filed: May 14, 2001

Title: Flashing Assembly &  
Method for Use & Manufacture

Examiner Steve M. Varner

Art Unit 3635

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R.  
§ 1.8(a): I hereby certify that this correspondence is being deposited with  
the United States Postal Service via facsimile transmission to (703) 872-  
9327 and addressed to MAILSTOP: AF, Commissioner for Patents, P.O.  
Box 1450, Alexandria, Virginia, 22313-1450, on August 25, 2003.

By: Sean M. Casey August 25, 2003  
Sean M. Casey, Reg. No. 39,514 Date Signed

Columbus, Ohio  
Monday, August 25, 2003

AFTER FINAL RESPONSE TO 2<sup>ND</sup> OFFICE ACTION

VIA FACSIMILE TO (703) 872-9327

MAILSTOP: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to the Final Office Action mailed June 2, 2003, and the telephonic interview held  
on the morning August 19, 2003 by Examiner Varner and at the examiner's request, Applicant  
hereby submits this written record of the interview and the examiner's indication of allowable  
subject matter in claims 1 to 24.

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## BACKGROUND

Prior to the telephonic interview, Claims 1 to 24 stood finally rejected in the examiner's second office action under 35 U.S.C. § 103(a) as being unpatentable over Hartman in view of Jenkins et al. and Slasinski. In sum, Examiner Varner found unpersuasive Applicant's  
5 Amendment A and arguments filed March 19, 2003.

## INTERVIEW SUMMARY

However, during the August 19<sup>th</sup> interview Applicant and examiner further reviewed each pending claim in view of the first office action, Applicant's response thereto, and the  
10 references of record, and especially in view of Hartman, Slasinski, Schleicher, Jenkins et al., Hoffman, and Theriault. As a result of that examination, Applicant and Examiner Varner agreed that both the initial and the final rejections were improper because a more detailed inspection of the cited references revealed that Applicant's claimed invention was not evidenced in, suggested by, or otherwise present in any combination of the references of record.

15 For example, among other considerations and references, Applicant asserted and Examiner Varner agreed that Hartman is limited to a hole 42 that does not operate to join segments 32, which teaches away from Applicant's claimed tightly joined together but releasable strips. Further, Applicant and Examiner Varner further agreed that, among other considerations and references, the Slasinski and Schleicher references are, by their own disclosures, restricted to  
20 permanent clinch joints, which teach away from Applicant's claimed releasable clinch joint features and capabilities.



CONCLUSION

Entry of the above written record of the interview is requested. It is believed that claims 1 through 24 as originally filed distinguish over the prior art of record in this case and that the subject matter discussed in the August 19<sup>th</sup> interview does not constitute new matter because all such information was previously discussed and disclosed in the prior response to the first office action and in the specification, drawings, and claims of this application as originally filed and amended. Accordingly, withdrawal of the examiner's rejections and an early allowance of the currently pending claims 1 - 24 are respectfully solicited.

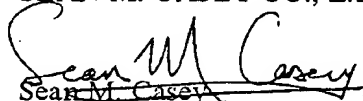
Additionally, Applicant respectfully requests an indication that the drawings as originally filed are accepted.

As the initial and final rejections were improper and are now believed to be withdrawn, no fees are believed to be due in connection with this after final response. The under-signed Applicant's representative may be contacted anytime at (614) 222-0800 if any further information or fees are required. Thank you for your attention to this matter.

Respectfully submitted,

JERRY JOSEPH QUINN

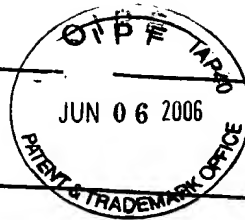
By: SEAN M. CASEY CO., L.P.A.

  
Sean M. Casey  
Registration No. 39,514

Telephone: (614) 222-0800

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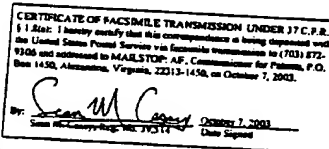
END CONFIRMATION REPORT FO  
SEAN M. CASEY CO., LPA  
1 614 222 0801  
OCT-7-03 9:07

JOB	START TIME	USAGE	PHONE NUMBER/ADDRESS	TYPE	PAGES	MODE	STATUS
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TOTAL		2'21"	PAGES SENT: 7	PAGES PRINTED: 0			

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Jerry Joseph Quinn  
Serial No.: 09 / 854,891  
Filed: May 14, 2001  
Title: Flashing Assembly &  
Method for Use & Manufacture

Examiner Steve M. Varner  
Art Unit 3635



Columbus, Ohio  
Tuesday, October 7, 2003

SECOND STATUS INQUIRY - VIA FACSIMILE TO (703) 872-9306

MAILSTOP: AF - ATTENTION: EXAMINER STEVEN VARNER  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Further to your request today, I transmit with this inquiry a third copy of Applicant's Response dated August 25, 2003. This is our 3<sup>rd</sup> attempt to communicate the interview summary that you requested. You may contact me anytime at (614) 222-0800 if any further information is required. Please confirm receipt of this copy. Thank you for your attention to this matter.

Respectfully submitted,

JERRY JOSEPH QUINN  
By: SEAN M. CASEY CO., L.P.A.

Sean M. Casey  
Registration No. 39,514

T0:Auto-reply fax to 1 614 222 0801 COMPANY:

## Auto-Reply Facsimile Transmission



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SENT BY: SEAN M. CASEY CO., LPA;

1 614 222 0801;

OCT-7-03 9:05;

PAGE 1/7

PATENT  
Serial No. 09 / 854,891  
App. District No. 22466,002

## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

Inventor: Jerry Joseph Quinn

Serial No.: 09 / 854,891

Filed: May 14, 2001

Title: Flushing Assembly &  
Method for Use & Manufacture

Examiner Steve M. Varner

Art Unit 3635

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R.  
& 37 M.P. 1.8(a) & (b) & 1.6(f) is hereby acknowledged as being a certified copy  
of the United States Patent Service via facsimile transmission to (614) 222-  
0801 and returned to MAILSTOP AF, Commissioner for Patents, P.O.  
Box 1450, Alexandria, Virginia 22313-1450, on October 7, 2003.

By: Sean M. Casey OCT 7 2003  
Special Agent in Charge

Columbus, Ohio  
Tuesday, October 7, 2003

5

## SECOND STATUS INQUIRY - VIA FACSIMILE TO (703) 872-9306

MAILSTOP AF - ATTENTION: EXAMINER STEVEN VARNER  
Commissioner for Patents

10 P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

15

Further to your request today, I transmit with this inquiry a third copy of Applicant's  
Response dated August 25, 2003. This is our 3<sup>rd</sup> attempt to communicate the interview summary  
that you requested. You may contact me anytime at (614) 222-0800 if any further information is  
required. Please confirm receipt of this copy. Thank you for your attention to this matter.

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Respectfully submitted,

JERRY JOSEPH QUINN  
By: SEAN M. CASEY CO., L.P.A.

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Sean M. Casey  
Registration No. 39,514

ATTACHMENT B

1 Sheet of drawings depicting FIGS. 3-6